

REMARKS

Claims 23-25, 47, 48, 49, 50, 51, 53 and 54 are now presented for examination. Claims 1, 2, 26, 40 and 52 have been canceled herein without prejudice and without disclaimer of subject matter. Claims 24, 47, 48, 50, 53 and 54 have been amended to even further clarify the claimed subject matter.¹ Those changes have not been made for purposes related to patentability.

In the Office Action dated August 1, 2003, Claims 23, 25, 40, 48, 49, 51, 52, and 54 were indicated as allowed. Applicants note with appreciation the allowance of those claims.

The drawings were objected to under 37 C.F.R. § 1.83(a). In particular, the Office Action states that the claimed feature of “no spacers placed between neighboring spaces falling within the range of 5-50' must be shown [in the drawings].”

Without conceding the propriety of this objection, it is proposed to replace original Fig. 28 with the substitute version of that figure attached to the Request For Approval of Drawings Changes submitted herewith. Support for the features of the substitute Fig. 28 is provided in the specification as originally filed, at least at page 66, lines 17-19. Entry of the proposed drawing substitution into the record is respectfully requested, as is withdrawal of the present objection to the drawings.

¹/ Amended Claims 47 and 48 incorporate features substantially similar to those formerly recited in Claim 40, and Claims 53 and 54 incorporate features substantially similar to those formerly recited in Claim 52.

The drawings also were objected to under 37 C.F.R. § 1.84(p)(4) because, the Office Action states, reference character 'T' has been used to designate both the thickness of a spacer (Figs. 51 and 52) and a thickness of a frame (Fig. 58).

Without conceding the propriety of this objection, it is proposed to amend Figs. 51 and 52 to change "T" to --Ts--, in the attached Request For Approval of Drawings Changes. Corresponding changes also have been made to appropriate portions of the specification. Entry of the foregoing changes is respectfully requested, as is withdrawal of the present objection to the drawings.

The Office Action requires that the summary of the invention and the description be confined to and in harmony with the invention to which the allowed claims are directed, and cites MPEP §1302.01 as authority. For example, the Office Action apparently requires that the detailed description be limited to pages 65-111 and drawings limited to Figs. 14, 15 and 27-59.

Applicants respectfully traverse this requirement and request its withdrawal for the following reasons.

During a telephone conversation between the Examiner and Applicants' undersigned representative on September 30, 2003, the Examiner stated that the above requirement has been made because, if a patent is issued based on the application in its present length, it may be arduous to electronically search through the patent during a future prior art search of the patent. The Examiner's concern is appreciated and well taken. Nonetheless, Applicants believe that any such burden which may be imposed on the Patent

and Trademark Office is substantially outweighed by the detriments that would be imposed on Applicants and the public at large if the Office Action's requirement is not withdrawn.

For example, although the Office Action identifies the specific pages and figures to which the Examiner believes the application should be limited, the removal of such subject matters would not only require Applicants and their attorneys to spend a substantial amount of time and expense to carefully examine each page and figure of the application to ensure that the Examiner's suggestion is accurate, but also would require them to prepare a complex and voluminous marked-up substitute specification and a clean copy thereof, to (a) delete the required subject matter from the specification and drawings, (b) renumber each figure that would remain, to account for the removed figures, and (c) amend the specification to renumber the many figure numbers mentioned in the specification, to also account for the removed figures. As can be appreciated, this would be extremely burdensome and expensive to Applicants. Moreover, it is believed that the filing of the substitute specification also would impose on the Patent and Trademark Office the additional burden of having to examine the voluminous substitute specification for accuracy.

Furthermore, earlier in this application, the Patent and Trademark Office set forth a very complex eight-way restriction requirement, and also required a separate election of various species within no less than five of the eight restricted inventions. No claim was deemed generic by the Patent and Trademark Office. As a result of the restriction and election requirements, it is estimated that Applicants will be required to file

and prosecute no less than eight, and possibly thirteen, separate patent applications in order to seek patent protection for all of the originally claimed inventions. As can be appreciated, these multiple filings and prosecutions alone will be extremely burdensome and costly to Applicants, let alone if each separate divisional application were required to be limited to only the subject matter of their respective claims, as in the present application. It is thought that Applicants should not be put to this repeated burden and expense in order to obtain patent protection on the respective subject matters of the various originally filed claims, and that neither Applicants nor the Patent and Trademark Office should be put to the additional efforts which would be involved therewith.

Moreover, the public at large should not be required to obtain and study no fewer than eight, and possibly thirteen, separate documents, each disclosing its own subject matter, in order to have available the complete, comprehensive subject matters originally disclosed in the present single application. Without each subject matter (presently required to be removed by the Office Action) being published simultaneously in a single patent which may issue on the present application, the public at large may not be notified of those subject matters until their respective, subsequently-filed divisional applications become published or mature into patents, even though the subject matters seemingly would be entitled to the present application's original filing date for prior art purposes under 35 U.S.C. § 102(e).² This seemingly would undermine the public notice function served by

2/ Also, if subject matter is removed from the present application as required by the
(continued...)

printed patents. Indeed, a careful review of the present specification reveals that the respective subject matters described therein are so closely related as to warrant inclusion in a single patent document, and it is believed that it would not be unduly burdensome for them to be maintained in the present single application.

Furthermore, to maintain all of the original subject matters in this application would avoid any future possibility that the scope of any patented claims will be construed in an unnecessarily limited manner by virtue of the removal of subject matter.

For all of these reasons, Applicants respectfully request reconsideration and withdrawal of the present objection to the specification.

Page 4 of the Office Action objected to the ratio "A" defined in table 1 of page 109. The Office Action states that "ratio A is used to describe the Length-to-Width ratio of the frame, however, the ratio is defined as $W(idth)/T(hickness)$." The Office Action then suggests that "either ratio A needs to be described as the ratio of Thickness-to-Width or the ratio should be defined as $W(idth)/L(ength)$."

However, it is believed that, as the former-quoted statement in the Office Action states, the ratio A should be defined as $W(idth)/T(hickness)$. The specification has been amended accordingly to reflect this definition, the therefore the present objection is believed to be overcome.

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outstanding Office Action, Applicants may not be able to obtain the prior art benefit of the removed subject matter when a patent issues on the present application.

The specification also has been objected to as failing to provide a proper antecedent basis for the ratio of "A/S", and Clams 24, 47, 50 and 53 have been objected to for the same reason. Without conceding the propriety of these objections, Claims 24, 47, 50 and 53 have been amended as deemed necessary to overcome these objections. Accordingly, it is believed that the objections have been overcome, and their withdrawal is therefore respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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